

**Minutes  
City Council/Redevelopment Agency  
City of Huntington Beach**

Friday, March 14, 2003  
1:00 P.M. – Rooms C & D  
Central Library, 7111 Talbert Avenue  
Huntington Beach, California 92648

An audiotape of the 1:00 p.m. portion of this meeting  
is on file in the Office of the City Clerk.

**Call to Order**

Mayor Boardman called the adjourned regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 1:05 p.m.

**City Council/Redevelopment Agency Meeting Roll Call**

Present: Sullivan, Coerper, Boardman, Cook, Houchen, Hardy, (Green arrived 1:05 p.m.)  
Absent: None

**Assistant City Clerk Announced Late Communication**

Pursuant to the Brown (Open Meetings) Act, Assistant City Clerk Liz Ehling announced a Late Communication regarding this agenda item that was submitted during the council meeting.

Communication from Chuck Scheid titled *Public Comments 14 March 2003 Council Study Session Negotiations*.

**Public Comments**

**Chuck Scheid** spoke in opposition to the use of the Closed Session process for contract negotiations. Mr. Scheid spoke in favor of the Brown (Open Meetings) Act due to reasons of the "public's right to know."

**(City Council) Study Session Held – Presentation Made by the Law Firm of Liebert Cassidy Whitmore Re: Workshop on Labor Relations Issues and Processes Regarding Negotiations and Strategies for Managing Senate Bills 739 and 402 (700.20)**

Richard Whitmore of Liebert Cassidy Whitmore presented a workshop regarding labor relations issues and process. The workshop presentation covered a practical approach to the various aspects of the negotiating process.

In attendance for this meeting/workshop were Council and staff, and various city employee association representatives and middle management staff.

City Administrator Ray Silver stated that this workshop is to provide Council and staff with a guide to labor negotiations covering all aspects of employment relations.

Richard Whitmore reviewed the following communications which were included in the agenda packet: 1) *A Guide to Labor Negotiations – Case Studies*; 2) PowerPoint slide show titled *A Guide to Labor Negotiations*; 3) Hard Copy of *A Guide to Labor Negotiations*; and 4) *A Guide to Labor Negotiations – Pre-Test*.

Richard Whitmore, of Liebert Cassidy, Whitmore, invited audience participation in taking the pre-test titled *A Guide to Labor Negotiations – Pre-Test*, which was included in the agenda packet. He then proceeded with the PowerPoint slide show titled *A Guide to Labor Negotiations*.

During his presentation, Mr. Whitmore reviewed the following: 1) how to effectively organize and prepare for negotiations; 2) strategies and techniques for achieving negotiation objectives; 3) managing negotiating impasses; 4) legal “do’s and don’ts” laid down by state law and court decisions; 5) drafting and administering agreements; and 6) strategies for managing Senate Bills 739 and 402 (“interest arbitration”).

Considerable discussion was held between Council, Mr. Whitmore and staff. Mr. Whitmore presented the following reasoning in favor of the closed session procedure: 1) public negotiations are detrimental to the overall process because the parties are not disclosing what they would like; 2) labor relations negotiations in public tends to inflame the other side and anger the public.

Other topics Mr. Whitmore covered included: 1) Personnel rules are not consistent with the Memorandum of Understanding (MOU); the MOU controls; 2) differences between arbitration, binding arbitration and mediation; 3) forms of communication between the association members and their union representatives; 4) the “Agency Shop” arrangement and Senate Bill 739; 5) the Evergreen clause; 6) the Myers-Milias-Brown Act; and 7) the City Council’s role and involvement regarding labor negotiations.

Mr. Whitmore stated that in regard to Contingency Planning (Strike Plan), that strikes by public health and safety employees (police and fire) or miscellaneous, non-safety employees are not necessarily illegal unless they adversely impact the public’s well-being.

Mayor Boardman thanked Mr. Whitmore for his presentation.

#### **Adjournment – City Council/Redevelopment Agency**

Mayor Boardman adjourned the adjourned regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, March 17, 2003, at 5:00 p.m., in Room B-8 Civic Center, 2000 Main Street Huntington Beach, California.

/s/      Connie Brockway  
City Clerk and ex-officio Clerk of the City  
Council of the City of Huntington Beach  
and Clerk of the Redevelopment Agency  
of the City of Huntington Beach, California

By: \_\_\_\_\_  
Assistant City Clerk

ATTEST:

\_\_\_\_\_  
City Clerk-Clerk

\_\_\_\_\_  
Mayor-Chairman